

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MALLORY RUSCH,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:21 CV 29 JMB
)	
CITY OF ST. LOUIS, MISSOURI,)	
)	
Defendant.)	

CASE MANAGEMENT ORDER

Pursuant to the Civil Justice Reform Act Expense and Delay Reduction Plan and the Differentiated Case Management Program of the United States District Court of the Eastern District of Missouri and the Rule 16 Conference held on **March 4, 2021**,

IT IS HEREBY ORDERED that the following schedule shall apply in this case, and will be modified only upon a showing of exceptional circumstances:

I. SCHEDULING PLAN

1. This case has been assigned to Track 1 (Expedited).
2. The deadline for joinder of additional parties or amendment of pleadings without leave of Court is **March 26, 2021**.
3. Disclosure shall proceed in the following manner:
 - (a) The parties shall make all disclosures required by Rule 26(a)(1), Fed.R.Civ.P., no later than **April 5, 2021**.
 - (b) The parties shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **May 14, 2021**, and shall make expert witnesses available for depositions, and have depositions completed, no later than **June 7, 2021**.

(c) The presumptive limits of ten depositions per side and twenty-five interrogatories per party as set forth in Fed.R.Civ.P. 30 and 33, respectively, shall apply in this case. The parties may agree by stipulation on other limits on discovery.

(d) The parties shall complete all discovery no later than **July 7, 2021**.

(e) Motions to compel shall be pursued in a diligent and timely manner, but in no event filed more than eleven (11) days following the discovery deadline set out above.

Before a motion to compel is filed, the parties shall schedule a telephone conference with the Court and shall send to the Court a joint summary, no longer than one page, of the issues on which the parties seek the Court's guidance. Any motions filed before a telephone conference is scheduled will be denied without prejudice.

4. This case shall be referred to alternative dispute resolution on **June 4, 2021**, and ADR conference(s) shall be concluded by **August 2, 2021**.

5. Any motions to dismiss, for summary judgment, or for judgment on the pleadings, or motions to limit or exclude expert testimony shall be filed no later than **August 16, 2021**. The response in opposition to such a motion will be due twenty-one days later, or no later than **September 7, 2021**; the reply in support of the motion will be due seven days after the response, or no later than **September 14, 2021**. The undersigned requests that the filing party deliver to chambers courtesy copies of such motions, responses, and replies, along with all attached exhibits.

II. ORDER RELATING TO TRIAL

This action is set for a **NON-JURY** trial on **Monday, December 6, 2021, at 9:00 a.m.** It will be scheduled for 1 day.

Pursuant to Local Rule 8.04, the Court may tax against one or all parties the per diem, mileage, and other expenses of providing a jury for the parties, when the case is terminated or settled by the parties at a time too late to cancel the jury attendance or to use the summoned jurors in another trial, unless good cause for the delayed termination or settlement is shown.

In this case, unless otherwise ordered by the Court, the attorneys shall, not less than twenty-one (21) days prior to the date set for trial:

1. Stipulation: Meet and jointly prepare and file with the Court a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation (including a brief summary of the case which may be used on voir dire).

2. Witnesses:

(a) Deliver to opposing counsel, and file with the Court, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

3. Exhibits:

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiff to use Arabic numerals and defendant to use letters, e.g., Pltf-1, Deft-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and file with the Court a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. This list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed.R.Evid. 902(11) or 902(12).

(b) Submit said exhibits or true copies thereof, and copies of all affidavits or declarations pursuant to Fed.R.Evid. 902(11) or 902(12), to opposing counsel for examination. Prior to trial, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing at least fourteen (14) days prior to trial may be considered waived.

4. Depositions, Interrogatory Answers, and Request for Admissions:

(a) Deliver to opposing counsel and file with the Court a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. At least fourteen (14) days before trial, opposing counsel shall state in writing any objections to such testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

5. Trial Brief: Submit to the Court and opposing counsel a trial brief stating the legal and factual issues and authorities relied on and discussing any anticipated substantive or procedural problems.

In all cases the parties shall deliver to chambers courtesy copies of their Pretrial Compliance.

Failure to comply with any part of this Order may result in the imposition of sanctions.

Dated this 4th day of March, 2021.

/s/ **John M. Bodenhausen**
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE